

UNITED STATES OF AMERICA

MASSACHUSETTS DISTRICT
BOSTON

2004 FEB 27 10 02 AM

CA NO

U.S. COURT
CLERK

HELDER PEIXOTO,)
)
PLAINTIFF.)
)
V.)
)
)
)
TRANS UNION LLC,)
HARRY GAMBILL)
)
DEFENDANTS.)
)
_____)

COMPLAINT AND JURY DEMAND

NOW COMES THE PLAINTIFF HERINAFTER HELDER PEIXOTO AND PRAYS
FOR THE HONORABLE FEDERAL JUSTICES OF THE UNITED STATES
DISTRICT COURT BOSTON MASSACHUSETTS GRANT RELIEF FOR THE
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT 15 USC s 1681
HEREAFTER ("FCRA") BY TRANSUNION CREDIT REPORTING AGENCY. THE
PLAINTIFF SEEKS FULL JUDGEMENT UNDER THE FCRA AND
MASSACHUSETTS GENERAL LAWS 93A TREBLE DAMAGES.

THE PLAINTIFF SEEKS REMOVAL OF SEVERAL ACCOUNTS AND INQUIRES
THE PLAINTIFF SEEKS RELIEF FOR THE DEFAMATION, THE PLAINTIFF
SEEKS THE REMOVAL OF SEVERAL ACCOUNTS AND INQUIRIES FROM HIS
CONSUMER CREDIT REPORT AS DETAILED IN THE AFFIDAVIT, AND ANY
OTHER RELIEF THE COURT FINDS JUST.

JURISDICTION

JURISDICTION OF THIS COURT FALLS UNDER THE FCRA 15 USC s 1681
AND MASSACHUSETTS GENERAL LAWS CHAPTER 93 A.

PARTIES

THE PLAINTIFF HELDER PEIXOTO AN ADULT RESIDING IN MIDDLESEX
COUNTY MASSACHUSETTS IS A CONSUMER AS DEFINED IN THE FCRA.

UPON INFORMATION AND BELIEF THE DEFENDANT TRANS UNION LLC,
HEREAFTER TRANSUNION MAINTAINS HEADQUARTERS IN CHICAGO IL,
AND IS A "PERSON" AS DEFINED BY THE FCRA. 1681 A (B) AND A
"CONSUMER REPORTING AGENCY" AS DEFINED BY THE FCRA 1681 A (F).

UPON INFORMATION AND BELIEF DEFENDANT, HARRY GAMBILL IS CEO
OF TRANS UNION LLC.

AFFIDAVIT IN SUPPORT OF ACTION

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE
COMPLETE CONSUMER DISCLOSURES ON NUMEROUS OCCASIONS IN
VIOLATION OF FCRA s 1681 AG (A) 1.

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO LIMIT THE FURNISHING OF CONSUMER REPORTS TO USERS WITH A PERMISSABLE PURPOSE IN VIOLATION OF THE FCRA s 1681 E (A).

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE TRAINED PERSONNEL IN VIOLATION OF FCRA s 1681 H (C).

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE TO PLAINTIFF A SUMMARY OF ALL RIGHTS IN VIOLATION OF FCRA s1681 G (C).

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO FOLLOW REASONABLE PROCEDURES TO ASSURE MAXIMUM POSSIBLE ACCURACY OF THE INFORMATION CONTAINED IN CONSUMER REPORTS IN VIOLATION OF FCRA s 1681 E (B).

TRANSUNION WILFULLY AND NEGLIGENTLY FAILED TO PROVIDE CONSUMER DISCLOSURES BY TELEPHONE AND FAX IN VIOLATION OF FCRA s 1681 H (B).

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO TO INVESTIGATE PLAINTIFFS DISPUTES,FAILED TO PROVIDE NOTICE OF THE DISPUTES TO THE FURNISHERS AND FAILED TO CONSIDER PLAINTIFFS INFORMATION IN VIOLATION OF FCRA s 1681 (A)1,(A)2 AND (A) 4.

TRANSUNION WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE WRITTEN NOTICE BY FAX OR E-MAIL AS REQUESTED BY PLAINTIFF ON NUMEROUS OCCASIONS AND FAILED TO PROVIDE REQUIRED NOTICES IN VIOLATION OF THE FCRA s 1681 i (A)7.

TRANSUNION WILLFULLY AND NEGLIGENTLY REPORTED INCORRECT ADDRESSES FOR PLAINTIFF,SUBJECTING HIM TO THE POSSIBILITY OF IDENTITY THEFT, LOST OPPORTUNITIES AND LOSS OF IMPORTANT MAILINGS,INCLUDING CONSUMER CREDIT DISCLOSURES.

TRANSUNION MALICIOUSLY & INTENTIONALLY DISSEMINATED INCORRECT DEFAMATORY STATEMENTS ABOUT PLAINTIFF.

TRANSUNION WILLFULLY AND NEGLIGENTLY ENGAGED IN THE SALE OF
WORTHLESS AND INCORRECT CREDIT SCORES WITH INTENT TO MISLEAD
AND DEFRAUD PLAINTIFF AND MILLIONS OF CONSUMERS.

HARRY GAMBILL IS RESPONSIBLE AND LIABLE FOR THE TRANSUNION
PROCEDURES RESULTING IN THE NUMEROUS FCRA VIOLATIONS AND THE
SUBSEQUENT SERIOUS DAMAGES TO PLAINTIFF AND MANY MILLIONS OF
CONSUMERS.

Clearly stated in the FCRA:

S604. PERMISSIBLE PURPOSES OF CONSUMER REPORTS[15 U.S.C.S1681B]

- (A) In general. Subject to subsection (c), any consumer reporting agency may furnish a consumer report under the following circumstances and no other:
- (3) To a person which it has reason to believe
 - (A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
 - (B) intends to use the information for employment purposes; or
 - (C) intends to use the information in connection with the underwriting of insurance involving the consumer; or
 - (D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or
 - (E) intends to use the information, investor or servicer, or current insurer, in connection with a valuation of, or an assessment of credit or prepayment risks associated with, an existing credit obligation; or
 - (F) otherwise has a legitimate business need for the information
 - (i) in connection with a business that is initiated by the consumer; or
 - (ii) to review an account to determine whether the consumer continues to meet terms of the account.

LIST OF INQUIRES

1.	NCO GROUP	12/05/2003
2.	ARROW FINANCIAL	10/24/2003
3.	ASSET ACCEPTANCE	10/21/2003
4.	PORTFOLIO	09/27/2003
5.	PORTFOLIO	03/07/2003
6.	ARS NATIONAL	01/17/2003
7.	PORTFOLIO	01/17/2003
8.	ARS NATIONAL	01/13/2003
9.	216 EAST/WEST	09/20/2002
10.	NCO	05/02/2002
11.	ALLIED	04/26/2002

None of the inquires (all hard inquires on my file) that relate to any of the above PERMISSIBLE PURPOSES. I was never offered credit, insurance or employment in relation to any of these inquiries. I never applied for credit with any of these companies. Due to the fact that these organizations were allowed to view my credit file without meeting any of the above requirements and thus causing a "hard inquiry" to appear on my credit report. TRANSUNION is obligated by the FCRA to correct these inaccuracies and delete the INQUIRES.

I HAVE REQUESTED THAT FILENES & DIRECT MERCHANTS BANK PROVIDE ORIGINAL SIGNED DOCUMENTS AND THEY CAN NOT PROVIDE THEM. UNDER THE DOCTRINE OF ESTOPPEL BY SILENCE ENGELHARD V GRAVENS, I MAY PRESUME

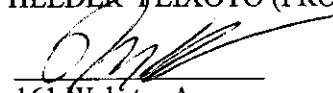
THAT NO PROOF OF THE ALLEGED DEBT, NOR THEREFORE ANY SUCH DEBT IN FACT EXISTS. UNDER THE FCRA THESE ITEMS MAY NOT APPEAR ON MY CREDIT REPORT.

FILENES #651699910

DIRECT MERCHANTS #5458000585067354

TRANSUNION WAS AND IS OBLIGATED BY THE FCRA TO DELETE THESE ACCOUNTS.

HELDER PEIXOTO (PRO-SE)

A handwritten signature in black ink, appearing to read 'Helder Peixoto', is written over a horizontal line.

161 Webster Avenue
Cambridge Ma 02141
617-547-0327